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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,492	03/07/2002	Shigemasa Takagi	01044/20003	6837
3000	7590	09/09/2004	EXAMINER	
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER PHILADELPHIA, PA 19103-2212			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,492

Applicant(s)

TAKAGI, SHIGEMASA

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-41, 44-47 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-41, 44-47 and 49-51 is/are allowed.
- 6) ☒ Claim(s) 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/04; 6/15/04; 6/30/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 28, 29, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 960,488 to Trainer et al. taken in view of Perkins (US 5,192,390) and at least one of Abbott, Jr. (US 1,938,787) and Still et al. (US 4,824,515).

GB '488 and Perkins are applied herein for the same reasons as set forth in the last office action. The patent to Converse et al. has been withdrawn from this rejection with the removal of the requirement for plural drums from claim 28. With respect to the new requirement in the last three lines of claim 28, Perkins is applied for substantially the same reasons as set forth in the last office action. In particular, the ply must clearly be peeled from the drum after cutting and removed although specifics thereof are not given by GB '488. Perkins is also directed to forming a tire ply by spiral winding of a ribbon followed by cutting and in particular suggests the inclusion of means to raise a lip of the material at the cut as well as a clamp and moving tray to peel and remove the ply – note esp. fig. 9. To peel the ply and clamp it to a moving tray to support the ply while being peeled would therefore have been a prima facie obvious way to effect ply removal in this art. This reference however illustrates a mechanical clamp rather than use of vacuum. It however is well known in this art to utilize vacuum to clamp/secure an edge of tire ply material at a desired location – Abbott, Jr. (e.g. page 1, lines 84+) and Still et al. (e.g. col. 9, lines 44+) are exemplary. To substitute vacuum for the mechanical clamp taught by Perkins would therefore have been obvious and reasonably have been expected to suitably provide the desired function of gripping the tire material.

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3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 960,488 to Trainer et al. taken in view of Perkins (US 5,192,390) and at least one of Abbott, Jr. (US 1,938,787) and Still et al. (US 4,824,515) as applied above, and further in view of Converse et al. (US 1,337,690).

The requirements of claim 30 would have been obvious for the same reasons set forth in the last office action and particularly in light of the reasons set forth with respect to Converse and Perkins.

4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 960,488 to Trainer et al. taken in view of Perkins (US 5,192,390) and at least one of Abbott, Jr. (US 1,938,787) and Still et al. (US 4,824,515) as applied above, and further in view of Edwards (US 4,126,720) and Krusemark (US 1,422,451) as applied in the last office action.

5. Claims 35-41, 44-47 and 49-51 are allowed.

The closest prior art does not teach or render obvious a device for producing a body ply material for a pneumatic tire including the specifically claimed peeling mechanism/tray in combination with the remaining features of the device as claimed.

6. Applicant's arguments with respect to claims 28-34 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment to the claims.

It is noted that a new PTO-892 listing GB '488 has been provided as well as copies of the newly provided PTO-1449's as well as a corrected version of the earlier PTO-1449 in light of the incorrect date noted by applicant.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
September 5, 2004